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BY ECF

Honorable Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Katrina Peeples v. City of New York, et al., 15-CV-6511 (JBW)(PK)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney for defendants in the above-referenced matter. Defendants write to request, with plaintiff's consent, an extension of time for the parties to complete discovery from September 9, 2016 to October 14, 2016, and a corresponding extension of time to file a motion for summary judgment from September 9, 2016 to November 14, 2016. This is the second extension of discovery sought in this matter. (*See* Docket Entry dated July 29, 2016) Additionally, in light of the Court's August 29, 2016 Order, defendants respectfully request, with plaintiff's consent, an adjournment of the September 8, 2016 telephone conference, and a corresponding extension of time to file defendants' response to plaintiff's August 28, 2016 letter-motion, because the undersigned will be out of the country from September 6, 2016 to September 16, 2016.

Motion for Extension of Discovery

Defendants respectfully submit that additional time is warranted to complete the outstanding discovery set forth in the Court's July 27, 2016 order. Depositions of the parties have now been completed, and pursuant to the Court's Order, defendants have provided plaintiff with unredacted disciplinary summaries showing allegations involving use of force against defendant Ricciardi, and have made all Civilian Complaint Review Board files underlying all disclosed allegations against defendants Ricciardi, Zidor, and Friendly available to plaintiff's counsel. However, defendants are still in the process of obtaining and producing underlying files of Internal Affairs Bureau of the NYPD concerning the defendant officers. Additionally, defendants are diligently working to identify the additional officers who purportedly arrived to

transport plaintiff and several co-arrestees from the scene of arrest. Pursuant to the Court's Order, defendants have located the "Sprint" report for plaintiff's arrest. However, it unfortunately yielded no information concerning additional officers on the scene. Notwithstanding plaintiff's inability to provide sufficient identifying information, the undersigned is currently attempting to ascertain which additional officers, if any, arrived on the scene by conferring on an individual basis with a large number of officers who were assigned to work in the general vicinity of the arrest location. This time-consuming process is ongoing.

Defendants further submit that additional time is warranted to non-party depositions. Plaintiff was arrested along with six other individuals during the alleged incident, who, according to plaintiff, have direct knowledge of the facts and circumstances underlying plaintiff's arrest. Defendants seek to depose these non-party co-arrestees, and have conferred with plaintiff's counsel regarding dates to conduct these depositions within the proposed extended discovery period. The additional time would also permit plaintiff time to conduct the depositions of non-party officers who may have arrived at the scene of plaintiff's arrest.

Defendants further advise the Court that they have made renewed efforts to discuss settlement, and intend to advance settlement discussions in parallel to the completing discovery in this matter. Therefore, the additional time will allow the parties to continue settlement negotiations before conducting motion practice.

Adjournment of September 8, 2016 Conference

On August 28, 2016, plaintiff filed a letter-motion seeking to Court to compel defendant City of New York to produce a witness pursuant to F.R.C.P. 30(b)(6). The Court, by Order dated August 29, 2016, directed defendants to file a response to this letter, if any, by September 6, 2016, and scheduled a conference regarding plaintiff's letter-motion for September 8, 2016 at 9:30 a.m. Defendants intend to file a response in opposition to plaintiff's letter-motion on the ground that, *inter alia*, plaintiff's Notice of Deposition does not comport with the requirement in F.R.C.P. 30(b)(6) in that the notice "must describe with reasonable particularity the matters for examination." Moreover, it is defendants' position that a 30(b)(6) deposition is inappropriate in light of the facts of this case. However, due to the undersigned's absence from the country from September 6, 2016 to September 15, 2016, defendants request an adjournment of the September 8, 2016 conference, and a corresponding extension of time to file an opposition to plaintiff's letter-motion to two business days prior to the date of the conference.

For the reasons set forth above, defendants respectfully request that the Court grant an extension of time to complete discovery from September 9, 2016 to October 14, 2016, and a corresponding extension of time to file a motion for summary judgment from September 9, 2016 to November 14, 2016. Defendants also respectfully request that the Court adjourn the September 8, 2016 telephone conference, and a corresponding extension of time for defendants to file a response to plaintiff's August 28, 2016 letter-motion. Should the Court be inclined to grant this request to reschedule the telephone conference, the parties are generally available on September 26 and 27 of 2016, as well as on September 28, 2016 before 1:00 p.m.

Thank you for your consideration regarding the within request.

Respectfully submitted,

/s/ Alexander Noble

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BY ECF
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